



Government of Ireland Act 1920

1920 CHAPTER 67

PROVISIONS AS TO EXISTING JUDGES AND OFFICERS.

54 Provisions as to existing judges and existing officers having salaries charged on the Consolidated Fund, or removable only for misconduct or incapacity

- (1) All existing county' court judges, and all existing Irish officers serving in an established capacity in the civil service of the Crown and receiving salaries charged on the Consolidated Fund of the United Kingdom, shall, if at the date of the passing of this Act they are removable only on address from both Houses of Parliament of the United Kingdom, continue to be removable only upon such an address, and if removable in any other manner shall continue to be removable only in the same manner as before that date; and shall continue to receive the same salaries, gratuities, and pensions, and to enjoy the same rights and privileges and to be liable to perform the same duties as before that date or such duties as His Majesty may declare to be analogous, and their salaries and pensions shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof, and all sums so paid shall be made good by means of deductions from the Irish residuary share of reserved taxes under this Act in accordance with regulations made by the Treasury.
- (2) If any of the said judges or officers retire from office with His Majesty's approbation before completion of the period of service entitling him to a pension, His Majesty may, if he thinks fit, after considering any representation that may be made by the Government of Southern Ireland or Northern Ireland, grant to him such pension, not exceeding the pension to which he would on that completion have been entitled, as His Majesty thinks proper.
- (3) Subsection (1) of this section shall apply to existing Irish officers in the civil service of the Crown, who, although receiving salaries not charged on the Consolidated Fund, are removable only for misconduct or incapacity, including clerks of the crown and peace and (after the date of Irish union) officers removable under section seventy-three of the Supreme Court of Judicature Act (Ireland), 1877: Provided that, in the case of any such officer whose salary is payable otherwise than out of money provided by the Parliament of the United Kingdom, the provisions of that subsection with respect to the payment of salaries and pensions out of the Consolidated Fund of the United Kingdom

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shall not have effect, and in the case of any such officer whose salary is payable out of money provided by the Parliament of the United Kingdom those provisions shall have effect with the substitution of payment out of money so provided for charge on and payment out of the Consolidated Fund of the United Kingdom.

- (4) Subsection (2) of this section shall apply to any officer to whom subsection (3) of this section applies, with the substitution of a reference to a period of forty years' service for the reference to the period of service entitling to a pension.

55 Continuation of service of and compensation to other existing officers

- (1) Subject to the provisions of this Act, all existing Irish officers in the civil service of the Crown who are not provided for under the last preceding section and are at the appointed day serving as Irish officers shall, after that day, continue to hold their offices by the same tenure and upon the same terms and conditions (including conditions as to salaries and superannuation) as theretofore and shall be liable to perform the same duties as theretofore, or such duties as the Civil Service Committee established under this Act may determine to be analogous, and while performing the same or analogous duties shall receive not less salaries than they would have received if this Act had not passed:

Provided that, notwithstanding the provision herein-before contained as to the tenure of existing Irish officers, any existing Irish officer who at the time of the passing of this Act is removable from his office by His Majesty, or by the Chief Secretary, or by any person other than the Lord Lieutenant, or in any special manner, may be removed from his office after the appointed day by the Lord Lieutenant, but, in the case of the existing permanent members of the Congested Districts Board for Ireland, only by an order of the Lord Lieutenant, which shall be laid before the House of Commons of Southern Ireland and of Northern Ireland, and, if an address is presented to the Lord Lieutenant by either such House within the next subsequent forty days on which that House has sat after any such order is laid before it' praying that the order may be annulled, the Lord Lieutenant may annul the order, and it shall thenceforth be void.

- (2) The Superannuation Acts, 1834 to 1914, shall continue after the appointed day to apply to any such existing Irish officer to whom they then apply, and the service of any such officer under the Government of Southern Ireland or Northern Ireland or the Council of Ireland shall, for the purpose of those Acts, be deemed to be service in the permanent civil service of the Crown and in a public office within the meaning of the Superannuation Act, 1892.

Provided that, so far as relates to the grant and ascertainment of the amount of any allowance or gratuity under those Acts as respects any such officer who at the time of his ultimate retirement is serving under the Government of Southern Ireland or Northern Ireland, or the Council of Ireland, the Civil Service Committee shall be substituted for the Treasury.

- (3) The provisions as to compensation contained in the Eighth Schedule to this Act shall apply with respect to any such existing Irish officer.
- (4) The superannuation and other allowances and gratuities which may become payable after the appointed day to or in respect of existing Irish officers in the civil service of the Crown under the Superannuation Acts, 1834 to 1914, and any compensation payable to any such officers under the provisions of this Act, shall be paid out of moneys provided by the Parliament of the United Kingdom, but any sums so paid shall

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be made good by means of deductions from the Irish residuary share of reserved taxes in accordance with regulations made by the Treasury.

- (5) Where any existing Irish officer in the civil service of the Crown, to whom the Superannuation Acts, 1834 to 1914, do not apply, is at the appointed day serving as an Irish officer in a capacity which, in accordance with a condition of his employment, qualifies him for a superannuation allowance or gratuity payable otherwise than under those Acts, that condition shall, after the appointed day, have effect, subject to the following modifications, that is to say, any superannuation allowance or gratuity which may become payable to the officer in accordance with that condition after the appointed day shall, if and so far as the fund out of which such allowances and gratuities are payable at the time of the passing of this Act is, by reason of anything done or omitted after the passing of this Act, not available for its payment, be charged upon and paid out of the Consolidated Fund of Southern Ireland or Northern Ireland, as the case may be, or shall be apportioned between those funds as the Joint Exchequer Board may determine, and any powers and duties of the Treasury as to the grant or ascertainment of the amount of the superannuation allowance or gratuity, or otherwise in connexion with the condition, shall be exercised and performed by the Civil Service Committee.
- (6) The Pensions Commutation Acts, 1871 to 1882, shall apply to any person to whom an annual allowance is granted in pursuance of the provisions of this Act relating to existing officers as they apply to a person who has retired in consequence of the abolition of his office, and any terminable annuity payable in respect of the commutation of an allowance shall be payable out of the same funds as the allowance.

56 Establishment of Civil Service Committee

- (1) For the purpose of the provisions of this Act with respect to existing officers, there shall be established a committee to be called the Civil Service Committee.
- (2) The committee shall consist of seven members, of whom one shall be appointed by the Treasury, one by a Secretary of State, one by the Government of Southern Ireland, one by the Government of Northern Ireland, two by the existing Irish officers, and one (who shall be chairman) by the Lord Chief Justice of England:

Provided that, after the existing Irish officers have been allocated in manner hereinafter provided, of the members of the committee appointed by the existing Irish officers one shall be appointed by such of those officers as have become officers of the Government of Southern Ireland, and one by such of those officers as have become officers of the Government of Northern Ireland.

- (3) Any vacancy arising in the committee shall be filled by the authority by whom the member whose place is vacant was appointed.
- (4) The Treasury may make regulations as to the manner in which the members to be appointed by the existing Irish officers are to be selected.
- (5) The committee may act by any four members, and notwithstanding any vacancy in their number, and, subject to the provisions of this Act, the committee may regulate their own procedure.
- (6) The determination of the Civil Service Committee on any claim or question which is to be determined by them under the provisions of this Act relating to existing officers shall be final and conclusive.

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- (7) Any expenses incurred by the Civil Service Committee to such amount as may be approved by the Joint Exchequer Board shall be paid out of moneys provided by the Parliament of the United Kingdom, and shall be made, good by means of deductions from the Irish residuary share of reserved taxes in accordance with regulations made by the Treasury.

57 Provisions as to existing pensions and superannuation allowances

- (1) Any pension granted on account of service in Ireland as Lord Chancellor or other judge of the existing Supreme Court or of any court consolidated into that court, or as a county court judge, or as an Irish officer in an established capacity in the civil service of the Crown, or as an officer or constable of the Dublin Metropolitan Police, or Royal Irish Constabulary, and payable at the appointed day, or in the case of an officer or constable of the Dublin Metropolitan Police or Royal Irish Constabulary at the date of transfer, shall be paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof, if charged on that fund at the time of the passing of this act, and out of moneys provided by the Parliament of the United Kingdom if so payable at that time, and shall be made good by means of deductions from the Irish residuary share of reserved taxes in accordance with regulations made by the Treasury.
- (2) Any pension payable at the appointed day and granted on account of service in Ireland as an Irish officer in the civil service of the Crown not serving in an established capacity or on account of service as a petty sessions clerk or officer in the registry of petty sessions clerks shall, if and so far as the fund out of which it is payable at the time of the passing of this Act is by reason of anything done or omitted after the passing of this Act not available for its payment, be charged upon and paid out of the Consolidated Fund of Southern Ireland or Northern Ireland or apportioned between those funds as the Joint Exchequer Board may determine.

58 Provisions for defining of Irish officer and determining claims

- (1) For the purpose of the provisions of this Act relating to existing officers, any officer shall be deemed to be an Irish officer who is serving or employed in Irish services within the meaning of this Act, and the fact that the salary of an Irish officer is provided in whole or in part out of funds administered by the Government department in which he serves, or out of an allowance voted for the office expenses of the office in which he is employed, or out of fees, instead of being charged on the Consolidated Fund or paid out of moneys provided by the Parliament of the United Kingdom, shall not prevent that officer being treated as an officer in the civil service of the Crown :

Provided that, where any officers employed at the appointed date wholly or in part on Irish services form an integral part of a staff not solely engaged on such services, the department under which they are employed shall prepare a scheme for determining which of the members of such staff are, for the purposes of this Act, to be treated as Irish officers, and such scheme shall be submitted to the Irish Civil Service Committee and, if and when approved by that committee, shall have effect as if enacted in this Act.

- (2) If any question arises whether an officer is an Irish officer as so defined, or otherwise as to any claim or right of an officer under the provisions of this Act relating to existing officers, that question shall be determined by the Civil Service Committee.
- (3) If in any case the Civil Service Committee are of opinion that the service or employment of an officer is such that he is partly an Irish officer and partly not, that

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committee shall determine any question which arises as respects the proportions in which any allowance, gratuity, or compensation payable to that officer is to be paid as between the Exchequer or Consolidated Fund of Southern or Northern Ireland, as the case may be, and of the United Kingdom respectively.

59 Allocation of existing officers between Southern and Northern Ireland

- (1) The existing Irish officers who at the appointed day are concerned solely with the administration of public services in Southern Ireland shall become officers of the Government of Southern Ireland, and the existing Irish officers who at the appointed day are concerned solely with the administration of public services in Northern Ireland shall become officers of the Government of Northern Ireland.
- (2) The existing Irish officers who at the appointed day are concerned with the administration of public services both in Southern Ireland and Northern Ireland shall be allocated as between the Governments of Southern Ireland and Northern Ireland in such manner as the Civil Service Committee may determine; and in determining whether any particular officer is to be allocated to the Government of Southern Ireland or to the Government of Northern Ireland, the Civil Service Committee shall, so far as the exigencies of the public service admit, endeavour to give effect to the wishes of the officer:

Provided that any existing Irish officers who at the appointed day are solely employed in public services which are as from the appointed day administered by the Council of Ireland shall become officers of the Council of Ireland.